

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

MELVIN PLUMLEE,

Plaintiff,

v.

MARKEL AMERICAN INSURANCE
COMPANY, a Virginia corporation;
MERIDIAN CLAIMS SERVICE, LLC, an
Oklahoma limited liability company; and
HINSON INSURANCE AGENCY, INC.,
an Oklahoma corporation,

Defendants.

Case No. 6:15-cv-00364-SPS

Removed from the District Court of
Seminole County, Oklahoma
Case No. CJ-2015-90

NOTICE OF REMOVAL

1. Markel American Insurance Company ("MAIC") is a defendant in a civil suit brought against it in the District Court of Seminole County, state of Oklahoma, titled *Melvin Plumlee v. Markel American Insurance Company; Meridian Claims Service, LLC; and Hinson Insurance Agency, Inc.*, Case No. CJ-2015-90.

2. True, correct and legible copies of Plaintiff's Petition, Summons, and the state court docket sheet are attached as Exhibits 1, 2 and 3, respectively. Other pleadings filed to date are as follows:

- Entry of Appearance by Ben Baker for Plaintiff, Exhibit 4;
- Entry of Appearance by R. Thompson Cooper for Hinson Insurance Agency, Exhibit 5;
- Defendant Hinson Insurance Agency's Motion to Dismiss and Brief in Support, Exhibit 6;
- Entry of Appearance by Sarah Timberlake and J.W. Cowan for Meridian Claims Service, LLC, Exhibit 7;

- Meridian Claims Service, LLC's Motion to Dismiss, Exhibit 8;
- Entry of Appearance by D. Lynn Babb for MAIC, Exhibit 9;
- Entry of Appearance by Amy S. Neathery for MAIC, Exhibit 10;
- Markel's Motion for Partial Dismissal, Exhibit 11;
- Plaintiff's First Amended Petition, Exhibit 12;
- Plaintiff's Response in Opposition to Defendant Markel's Motion for Partial Dismissal, Exhibit 13;
- Dismissal of Hinson Insurance Agency, Inc. without Prejudice, Exhibit 14; and
- Dismissal of Meridian Claims Service, LLC without Prejudice, Exhibit 15.

3. Plaintiff filed the state court action on July 6, 2015, in Seminole County, State of Oklahoma. Exhibit 1, Petition.

4. In its Petition, Plaintiff alleges that his property is located at 1/4 SEC 31 TWN 9N 7E, Seminole, Oklahoma 74868. Exhibit 1 Petition, paragraph 8.

5. MAIC was and is a corporation organized and existing under the laws of the state of Virginia, with its principal place of business in that state.

6. Plaintiff alleges that it is entitled to payment of all contractual benefits for all coverages in excess of \$75,000 afforded under the subject policy of insurance for damage to his property. Exhibit 1.

7. As demonstrated herein, with the dismissals of Hinson and Meridian, there is complete diversity of citizenship between Plaintiff and MAIC, and the amount in controversy exceeds this Court's minimum jurisdictional limit, giving this Court original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

8. Pursuant to 28 U.S.C § 1441 and 1446, MAIC removes this action to the United States District Court for the Eastern District of Oklahoma.

9. This Notice of Removal is filed within thirty (30) days following receipt of pleadings making this case removable. Removal has thus been timely accomplished.

10. Written notice of the filing of this Notice of Removal will be promptly provided to Plaintiff's counsel via regular mail. Also, a copy of this Notice of Removal will be filed with the clerk of the District Court of Seminole County, State of Oklahoma, as provided by 28 U.S.C. § 1446(d).

11. By filing this Notice of Removal, MAIC does not waive any defense including, but not limited to, jurisdictional defenses which may be available to it.

WHEREFORE, Defendant, Markel American Insurance Company, removes this action to this Court, invoking this Court's jurisdiction.

Respectfully submitted,

s/ Amy S. Neathery
D. Lynn Babb, OBA No. 392
Amy Steele Neathery, OBA No. 20344
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*Attorneys for Defendant,
Markel American Insurance Company*

CERTIFICATE OF SERVICE

This is to certify that on the 21st day of September, 2015, I electronically transmitted the above document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Ben Baker
109 North 2nd Street
Purcell, Oklahoma 73080

I further certify that a true and correct copy of this Notice of Removal was mailed to Kimberly Davis, Seminole County Court Clerk, 120 South Wewoka Avenue, Wewoka, Oklahoma 74884.

s/ Amy S. Neathery
Amy Steele Neathery